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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,733	06/29/2001	J. Rob Bowers	14531.110	9135
7590 RICK D. NYDEGGER WORKMAN, NYDEGGER & SEELEY 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111				
			EXAMINER VAN HANDEL, MICHAEL P	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 05/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/896,733

Applicant(s)

BOWERS, J. ROB

Examiner

MICHAEL VAN HANDEL

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-13, 15-30, 38-43 and 45-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-13, 15-30, 38-43, 45-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 1/16/2008. Claims **1, 2, 5-13, 15-30, 38-43, 45-54** are pending. Claims **1, 11**, and **38** are amended. Claims **3, 4, 14, 31-37, 44** are canceled.

Response to Arguments

1. Applicant's arguments regarding "a recitation of the access rights associated with the requesting receiver," have been considered, but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments regarding "determining whether the number of requests received is greater than a defined maximum of requests," "changing the delivery of the streaming media from a first format to a multicast format," "the aggregation module storing a list of each of the unique identifiers received for future access," and "the aggregation module tracking the activities of receivers and identifying frequently requested real-time streaming or continuous media," have been fully considered, but they are not persuasive.

Regarding claims **1, 11**, and **38**, the applicant argues that reconstructing two requests issued almost simultaneously, such as that taught by Suzuki, fails to teach determining if the number of requests exceeds a defined maximum number. The examiner respectfully disagrees. As noted in the Office Action mailed 10/16/2007, Suzuki discloses that if a single terminal issues a request for data not being requested by any of the other terminals, the data is retrieved and

output to that single terminal (col. 6, l. 14-29). Suzuki also discloses a function for reconstructing a number of requests into a single unified request (col. 24, l. 19-23). If requests for the same data are issued from two terminals almost simultaneously, i.e., within a prescribed period of time, the requests are reconstructed into a single unified request (col. 18, l. 26-38). Suzuki discloses combining requests in order to reduce a number of accesses to memory devices with low access speed (col. 1, l. 63-65). The examiner acknowledges the applicant's argument that there is a temporal element involved in Suzuki; however, the examiner fails to find any claim language barring a temporal element. There must be more than one request for the data within a time period for the requests to be combined. As such, the examiner interprets Suzuki as "determining whether the number of requests received is greater than a defined maximum number of requests that maintains a connection rate of a shared network at a preferred," as currently claimed.

Further regarding claims **1**, **11**, and **38**, the applicant argues that Suzuki fails to teach an aggregation module storing a list of unique identifiers received for future access and further fails to teach an aggregation module tracking and identifying frequently requested real-time streaming or continuous media. The examiner respectfully disagrees. Suzuki discloses a data management unit that stores positions of video data in response to current requests (col. 23, l. 3-22). Every time a processing element is receiving video, it notifies the data management unit that it has a copy of the data in its memory, and the data management unit registers the memory of the unit as a stored position of the video data (col. 23, l. 5-11). Thus, when a different terminal requests the same video data, the data management unit informs the terminal of the location storing the video that provides the fastest access time (col. 23, l. 23-32). This is illustrated in Figures 11-15 (Figs.

11-15). As such, the examiner maintains that Suzuki discloses an “aggregation module storing a list of each of the unique identifiers received for future access,” and for “tracking the activities of receivers and identifying frequently requested real-time streaming or continuous media,” as currently claimed.

Regarding claims **6, 49, 50, 53, and 54**, the applicant argues that Suzuki does not teach multicasting the data. The examiner respectfully disagrees. As noted in the Office Action mailed 10/16/2007, there is a distinction between broadcasting, unicasting, and multicasting data. In broadcasting, a message is sent to everyone on a network (see <http://www.webopedia.com/TERM/b/broadcast.html>). In unicasting, communication takes place over a network between a single sender and a single receiver (see <http://webopedia.com/TERM/u/unicast.html>). In multicasting, a message is sent to a select list of recipients (see <http://www.webopedia.com/TERM/b/broadcast.html>). Suzuki discloses a configuration of networked processors, each comprising a router for making communications with the other processing elements (col. 22, l. 16-24 & Fig. 23). Multimedia data storage devices or terminals are connected to the input/output units of the processing elements (col. 22, l. 30-34 & Figs. 24, 25). If more than one request for the same data is made within a predetermined time period, the requests are reconstructed into a single unified request and transmitted to the storage device (col. 24, l. 19-23). In response, the data is retrieved and transferred from the storage device to the requesting terminals simultaneously by means of a single access (col. 18, l. 26-46). The routers of the processing units in Figs. 23-25 provide for the communication pathway from the data storage device and the requesting terminals, as is well known in the art (see <http://www.webopedia.com/TERM/r/router.html>). The examiner acknowledges the applicant's

argument that the single access could generate a single broadcast to multiple recipients or could generate multiple unicast responses; however, the examiner respectfully disagrees. Suzuki discloses that the requested data is transmitted to the buffers associated with the requesting terminals in response to a single access (col. 18, l. 44-46). Thus, the communication is not unicast, because the data is transferred over a network to two buffers in response to a single access. Suzuki also discloses that the data is transferred to the buffers associated with the requesting terminals, not all of the buffers on the network. As such, the communication is not a broadcast communication. Since Suzuki discloses transmitting data to requesting terminals in response to a single data access, the examiner maintains that Suzuki teaches multicasting the data to the recipients.

Claim Objections

1. Claims **1**, **11**, and **38** are objected to because of the following informalities:

Referring to claims **1**, **11**, and **38**, the examiner notes that the phrase “the unique identifiers” lacks antecedent basis. The claims previously recite “an identifier,” but fail to previously recite a unique identifier. The examiner recommends that the phrase be changed to “a list of each of the identifiers” and addresses the claims in the Office Action below as though the recommended changes have been made.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 2, 6, 10-13, 21-25, 27, 28, 38-41, 43, 45, 49, 50, 53, and 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of McClain et al (of record).

Referring to claims **1, 10, 11, 25, 27, 28, and 38-41**, Suzuki discloses a method/computer program product/system for providing real-time streaming media from a wide area network to a plurality of receivers in a system having a plurality of receivers and at least one aggregation module; the method comprising the following acts:

(a) receiving by at least one aggregation module a request for real-time streaming media accessible via a wide area network from each of a plurality of receivers, each request comprising an identifier representative of the receiver making the request and the aggregation module storing a list of each of the identifiers received for future access (col. 18, l. 59-67; col. 23, l. 3-43; & Figs. 11-15, 20, 24, 25);

(b) after act (a), the at least one aggregation module determining whether the number of requests received is greater than a defined maximum number of requests that maintains a connection rate of a shared network at a preferred level (col. 18, l. 26-31) and aggregating a plurality of requests into a single request for a single copy of the real-time streaming media (col. 18, l. 50-67 & col. 19, l. 1-3) and sending the single request for a single copy of the real-time streaming media to the wide area network (the examiner notes that a single unified

request is issued to server 20 and the data N is transferred to server 10. The examiner interprets this to be a single request for a single copy of the media)(col. 19, l. 3-8 & Fig. 20);

(c) after act (b), buffering the single copy of the real-time streaming media at the at least one aggregation module (col. 18, l. 53-58 & col. 19, l. 8-14);

(d) using the buffered single copy of the real-time streaming media, delivering the streaming media to the plurality of receivers (col. 18, l. 1-9, 53-58); and

(e) the aggregation module tracking the activities of the receivers and identifying frequently requested real-time streaming or continuous media (col. 2, l. 31-39; col. 6, l. 19-34; & col. 18, l. 10-16).

Suzuki does not specifically disclose that each request comprise a recitation of the access rights associated with the requesting receiver. McClain et al. discloses a system and method for filtering web-based content by vending it to the client only if the client meets predefined user policies (Abstract). When a user first authenticates, a user profile is retrieved and an active rule set is aggregated and cached. When the user requests content, the rule is applied by a filter to determine whether the permission to view the content is granted (col. 6, l. 26-35). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Suzuki to include filtering content based on user policies, such as that taught by McClain et al. in order to ensure that a particular client can only access information that is authorized (McClain et al. col. 2, l. 36-39).

Further referring to claims **11** and **25**, the combination of Suzuki and McClain et al. teaches sending the single request for a single copy of the streaming media to the network

through a proxy module in communication with the aggregation module (Suzuki col. 19, l. 3-8). The combination of Suzuki and McClain et al. also teaches delivering a stream of the buffered copy of the streaming media to a termination system (connection between the buffer and terminal) for transmission to each of the plurality of receivers (Suzuki col. 18, l. 1-9 & Fig. 20), wherein each of the plurality of receivers receives substantially the same packets of the buffered copy of the streaming media (Suzuki discloses supplying data N to a plurality of terminals (Suzuki col. 18, l. 50-67 & col. 19, l. 1-10).

Further referring to claim **38**, the combination of Suzuki and McClain et al. teaches delivering the requested media in a format selected by the access module based upon changes to the first connection rate as media is delivered to two or more of the plurality of receivers (the examiner notes that if the media is stored in a buffer from a first user requesting the media, the data management unit 4 can decide to retrieve it from the buffer for the second user if the access time is faster than from the multimedia data storage device)(Suzuki col. 14, l. 56-67; col. 15, l. 11-53; & col. 18, l. 40-49).

NOTE with regard to claim **40**: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim **2**, the combination of Suzuki and McClain et al. teaches a method as recited in claim 1, wherein the at least one aggregation module is remote from at least one of the plurality of receivers (since the buffers are connected to the terminals, the terminals are remote from the multimedia server)(Suzuki col. 18, l. 1-9, 53-58 & Fig. 20).

Referring to claims **6** and **45**, the combination of Suzuki and McClain et al. teaches a method as recited in claims 1 and 38, respectively, further comprising delivering the streaming

media to each of the plurality of receivers by a multicast broadcast (the examiner notes that each buffer may support a plurality of terminals)(Suzuki col. 18, l. 53-58).

Referring to claim **12**, the combination of Suzuki and McClain et al. teaches a method as recited in claim 11, wherein the network is selected from the group consisting of a wide area network (Suzuki Fig. 20) and a local area network.

NOTE: The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **13** and **54**, the combination of Suzuki and McClain et al. teaches a method as recited in claims 12 and 1, respectively. The combination of Suzuki and McClain et al. does not teach that the network is the Internet; however, McClain et al. discloses that the filtered content is Internet web content (col. 1, l. 8-9). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki and McClain et al. to include an Internet-based communications network, such as that taught by McClain et al. in order to provide a more flexible communications platform.

Referring to claim **21**, the combination of Suzuki and McClain et al. teaches a method as recited in claim 11, wherein the request comprises at least one addressing mechanism for network resources (a terminal requests a data N)(Suzuki col. 18, l. 64-67) and at least one identifier representative of a requesting receiver of the plurality of receivers delivering the request to the aggregation module (the examiner notes that it is inherent that the system employ identifiers in order to keep track of which terminals are requesting media).

Referring to claims **22-24**, the combination of Suzuki and McClain et al. teaches a method as recited in claim 21. The combination of Suzuki and McClain et al. does not

specifically teach comparing a rating associated with a URL against a stored list of ratings to determine whether content associated with the at least one URL is to be delivered to the requesting receiver, wherein the comparing occurs upon the proxy module delivering content retrieved from the network to the aggregate module. McClain et al. discloses comparing a rating code associated with a web page (i.e., URL) against a stored policy list (i.e., rating list) at a proxy module, in order to determine if the requesting receiver is authorized to receive said requested content (Abstract & col. 2, l. 17-35, 55-65). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki and McClain et al. to include comparing a rating code associated with a web page against a stored policy list, such as that taught by McClain et al. in order to prevent unauthorized accessing of content.

Referring to claim **43**, the combination of Suzuki and McClain et al. teaches a system as recited in claim 38, wherein the aggregation module is configured to dynamically vary delivery of the requested media as either independent streams or as a multicast depending on traffic load on the network (the examiner notes that the data management unit 4 can dynamically change the source of obtaining data between buffers and the multimedia data storage device depending on access speeds, malfunctions, etc.)(Suzuki col. 17, l. 29-50).

Referring to claim **49**, the combination of Suzuki and McClain et al. teaches the method of claim 1, wherein changing the delivery of the streaming media from a first format to a multicast format is performed when streaming media reduces the connection performance by a defined percentage (the examiner notes that data will be taken out of the multimedia data storage device if it can provide a faster access speed than a buffer; however, as simultaneous accesses to

the multimedia data storage device increase, its speed will reduce (it is inherent that each request reduce connection performance by a defined percentage). If the speed reduces below the access speed of a buffer, the data management unit will recognize that the buffer can provide the data faster and switch to providing data out of the buffer)(Suzuki col. 15, l. 34-48 & col. 23, l. 23-32).

Referring to claim **50**, the combination of Suzuki and McClain et al. teaches the method of claim 1, wherein changing the delivery of the streaming media from a first format to a multicast format is performed for receivers when a given number of the receivers request the same streaming media (the examiner notes that if a terminal requests data that is already stored in a buffer, and the buffer can provide the data faster than the multimedia data storage device, the data management unit will switch to providing the data out of the buffer)(Suzuki col. 15, l. 11-37, 49-53; col. 22, l. 62-67; & col. 23, l. 1-47).

Referring to claim **53**, the combination of Suzuki and McClain et al. teaches the method of claim 1, wherein delivering the streaming media to the plurality of receivers comprises delivering multicast packets (Suzuki col. 24, l. 18-22 & Figs. 23-25).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **5, 7, 15-17, 20, 29, 30, 42, and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of McClain et al. and further in view of Kuhn.

Referring to claims **5, 7, 15, 20, 29, 30, 42,** and **48**, the combination of Suzuki and McClain et al. teaches a method/computer program product/system as recited in claims 1, 7, 11, 27, and 41. The combination of Suzuki and McClain et al. does not specifically teach selecting a media format. Kuhn discloses transcoding multimedia data into various media formats (i.e., MPEG)(Paragraphs. 1, 23, & 45). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki and McClain et al. to include transcoding multimedia data into various media formats, such as that taught by Kuhn in order to allow a greater variety of receivers to use the system.

NOTE: The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claim **16**, the combination of Suzuki, McClain et al., and Kuhn teaches a method as recited in claim 15, further comprising delivering separate instances of the streaming media to the plurality of receivers by the at least one aggregation module (Suzuki col. 9, l. 54-61).

Claim **17** is encompassed within the language of claim 1. Thus, it is analyzed and rejected as discussed therein.

3. Claims **8, 9, 46, 47,** and **52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of McClain et al. and further in view of Imajima et al.

Referring to claims **8, 9, 46, 47,** and **52**, the combination of Suzuki and McClain et al. teaches a method/system as recited in claims 1 and 45. The combination of Suzuki and McClain et al. does not specifically teach the use of used and unused channels and identifying when to

deliver a single copy of real-time streaming media to the plurality of receivers by at least one of the plurality of unused channels. Imajima et al. discloses a system for determining whether or not the broadcast of a video is to be provided in the full video on demand (FVOD) or near video on demand (NVOD) service, and if there is any available channel for the broadcast (Abstract). A busy state monitoring mechanism determines the busy level by checking if the number of videos being provided is equal to or larger than a threshold value n . If the busy level of the VOD server has exceeded a certain level, then the VOD server is in the busy state, the FVOD service is switched to the NVOD service and the requested video is broadcast in the NVOD service along an available channel (col. 14, l. 6-6-11 & col. 16, l. 30-40). When providing a video in the NVOD service, the NVOD service providing mechanism notifies the set top box (STB) at the subscriber of the NVOD service starting time and of the receiving channel for the video data (col. 15, l. 63-67 & col. 16, l. 1). The STB 220 sets the receiving channel to the channel specified according to the channel information (col. 13, l. 10-13). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki and McClain et al. to include utilizing multiple used and unused channels, identifying when to provide a requested video through the unused channels, and switching to the receiving channel for the video, such as that taught by Imajima et al. in order to provide a VOD service with easy operation and reduced load on the cable television (CATV) center (Imajima et al. col. 4, l. 10-11, 17-20).

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of McClain et al. and further in view of Durana et al.

Referring to claim **26**, the combination of Suzuki and McClain et al. teaches a computer program product as recited in claim 25. The combination of Suzuki and McClain et al. does not teach program code means for generating each request from each of the plurality of receivers using an input device. Durana et al. discloses the use of such a remote control device (col. 4, l. 4-11). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki and McClain et al. to include the use of a remote control device, such as that taught by Durana et al. in order to provide a more user-friendly system.

5. Claims **18** and **19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of McClain et al., further in view of Kuhn and still further in view of Durana et al.

Referring to claim **18**, the combination of Suzuki, McClain et al., and Kuhn teaches a method as recited in claim 15. The combination of Suzuki, McClain et al., and Kuhn does not teach that each of the plurality of receivers includes at least one channel for receiving programming and at least one unused channel in the associated system. Durana et al. discloses utilizing multiple used and unused channels (Abstract; col. 2, l. 5-13; & col. 7, l. 19-37). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki, McClain et al., and Kuhn to include utilizing multiple used and unused channels, such as that taught by Durana et al. in order to provide greater transmission flexibility.

Referring to claim **19**, the combination of Suzuki, McClain et al., Kuhn, and Durana et al. teaches a method as recited in claim 18. Suzuki does not disclose that the system is a cable

system, a television system, or a satellite system. Durana et al. discloses utilizing a cable television system (col. 4, l. 4-7). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki, McClain et al., Kuhn, and Durana et al. to include utilizing a cable television system, such as that taught by Durana et al. in order to take advantage of existing distribution networks.

6. Claim **51** is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki in view of McClain et al., further in view of Imajima et al., and still further in view of Stoel et al.

Referring to claim **51**, the combination of Suzuki, McClain et al., and Imajima et al. teaches the method of claim 9, wherein when providing a video in the NVD service, the NVD service providing mechanism notifies the set top box (STB) at the subscriber of the NVD service starting time and of the receiving channel for the video data (col. 15, l. 63-67 & col. 16, l. 1). The STB 220 sets the receiving channel to the channel specified according to the channel information (col. 13, l. 10-13). The combination of Suzuki, McClain et al., and Imajima et al. does not teach displaying a notice to a user indicating the channel of the unused channel where the user can tune to access the real-time streaming media. Stoel et al. discloses displaying a channel number that a subscriber must tune to in order to receive a pay-per-view (PPV) or video on demand (VOD) event (col. 5, l. 7-26, 65-67 & col. 6, l. 1-36). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Suzuki, McClain et al., and Imajima et al. to include displaying a channel number that a subscriber must tune to in order to receive a PPV or VOD event, such as that taught by Stoel et al. in order to allow a user to view a service when they want to (Stoel et al. col. 1, l. 14-16).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit
2623

MVH